

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint on Sunday
and Holiday Collections

Docket No. C2001-1

OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO POPKIN INTERROGATORIES DBP/USPS-20
(August 24, 2001)

On August 14, 2001, DPB/USPS-20 was filed. As discussed below, the Postal Service objects to that item.

DBP/USPS-20 reads as follows:

DBP/USPS-20. Please refer to your response to DBP/USPS-14 in which you indicate that the exhibit in the POM regarding holiday service [Exhibit 125.22] is reprinted in the DMM [GO11 Exhibit 1.5]. [a] Confirm that the Domestic Mail Manual is incorporated by reference into the Code of Federal Regulations - 39 CFR 111.1. [b] Confirm, or explain if you are unable to do so, that members of the general public as well as everyone else is required to comply with the Code of Federal Regulations. [c] May members of the general public or anyone else properly assume that the current version of the Code of Federal Regulations, including all documents incorporated by reference such as the Domestic Mail Manual, *reflect current regulations and operational practices? If not, please provide any exceptions and explanation.*

The question purports to be a follow-up to the response to DBP/USPS-14. The link between the two interrogatories identified in DBP/USPS-20 is the portion of the response to DBP/USPS-14 that indicates that "the exhibit in the POM regarding holiday service [Exhibit 125.22] is reprinted in the DMM [G011 Exhibit 1.5]." Any suggestion, however, that it is news that the DMM and the POM contain the same exhibit, or that this circumstance was suddenly revealed in the response to DBP/USPS-14, would be incredulous, to say the least. Mr. Popkin has been exploring the relationship between

those two exhibits since at least Docket No. R2000-1.

In reality, DBP/USPS-14 was about the POM, and DBP/USPS-20, rather than attempting to clarify or focus on aspects of the response about the POM, is nothing more than an attempt to open up a separate, albeit similar, line of inquiry about the DMM. There is nothing in DPB/USPS-20 that could not have been timely posed long before submission of the response to DBP/USPS-14. It is not a legitimate follow-up question to that item. Therefore, the Postal Service objects to DBP/USPS-20 in its entirety on that basis.

The Postal Service further objects to parts b. and c. of item 20. Part b. asks for confirmation that "members of the general public as well as everyone else is required to comply with the Code of Federal Regulation." This part of the question calls for an abstract legal conclusion with no apparent relevance, and the Postal Service objects on those bases. Part c. asks whether it may properly be assumed that the current version of the Code of Federal Regulations, including all documents incorporated by reference, reflect current regulations and operational practices. For starters, this question is vastly overbroad, as the Code of Federal Regulations consists of dozen of volumes, the vast majority of which have nothing to do with the Postal Service. Moreover, the question apparently further requests identification of "any exceptions," and an explanation in those instances of how the identified provisions fail to reflect current regulations or operational practices. (That seems to be the most reasonable interpretation of the portion of the question that says "please provide any exceptions and explanation.") Even limiting this question to 39 CFR (including, as instructed, the DMM incorporated by reference), the burden of responding to this request would be huge. Thousands of

provisions would have to be reviewed, virtually none of which would have any relevance to this proceeding. In summary, these parts of the question, besides being improper follow-up and hence untimely, are overbroad, impermissibly call for a legal conclusion, are beyond the scope of this proceeding, are unduly burdensome, and are irrelevant.

Therefore, the Postal Service objects to DBP/USPS-20 on the grounds stated above.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon:

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